

REMARKS

Reconsideration of the application in view of the above amendments and the following remarks is requested. Claims 1-20 are now in this application.

The Examiner objected to the drawings because 56 is missing in the drawings but mentioned on page 6. Elliptical hole 56 has been added to figure 4. The Examiner objected to the specification because 28 was used to designate both a split collar and a rocker latch. A replacement sheet showing a new figure 1 wherein the split collar is designated 25 rather than 28 is included.

The Examiner presumed that the subject matter of the various claims was commonly owned at the time any inventions therein were made. The Examiner made a correct presumption.

The Examiner rejected claim 1, 3, and 11 as being unpatentable over Lee in view of Wright. Claim 1 has been amended to claim, "A court standard which is stored wholly beneath and lifted upwardly to above a gymnasium floor for use comprising: a contained tube; an embedded upright floor tube having a top end portion which is nominally in alignment with the gymnasium floor, said embedded floor tube closely surrounding and having sufficient internal capacity to slidably house the contained tube wholly below the floor; and, a releasable lock means to maintain the contained tube at a selected height above

the floor; so that the entire court standard is stored beneath the gymnasium floor when not in use and the contained tube need only conveniently be lifted directly up from beneath the gymnasium floor to an in use position. Claim 11 has been similarly amended to now claim, "A method of storing a court standard wholly beneath a gymnasium floor and then conveniently erecting the court standard comprising the following steps: providing a court standard having i) a contained tube, ii) an embedded upright floor tube having a top end portion which is nominally in alignment with the gymnasium floor, said embedded floor tube closely surrounding and having sufficient internal capacity to slidably house the contained tube wholly below the floor; and, iii) releasable lock means to maintain the contained tube at a selected height above the floor; elevating the contained tube to a desired height; releasably locking the contained tube at the selected height above the floor; and, attaching the net to the court standard; thereby avoiding the task of carrying the court standard from storage to and across the gymnasium floor. Both claim 1 and 11 have been amended to specify that the embedded floor tube closely surrounds and having sufficient internal capacity to slidably house the contained tube wholly below the floor. Lee shows a ground socket adapted to receive the pole, and retaining devices on the pole to prevent the turning of the pole in the socket. The purpose of Lee's ground socket is to receive the pole and prevent the pole from turning therein thereby eliminating pole support wires and facilitating his net tightening scheme wherein a pole is rotated. Lee's socket does not have sufficient internal capacity to slidably house the contained tube wholly below the floor. Wright details an enlarged base which is buried beneath the ground. Wright provides for a transverse pin which may be used

to limit the inward or downward movement of the post in its socket or support. Wright also provides that the tube 1 actually tilts within the limits allowed by its fit within the socket 13, and it is impossible to lower or slacken the net by applying to the net or the net cord.(lines 91-96) The purpose of Wright's socket is to receive only an end portion of the pole, and thereby maintain the entire length of the pole in an upright position. Wright's socket does not have sufficient internal capacity to slidably house the contained tube wholly below the floor.

In the scientific method the first step is to define the problem to be solved. Neither Lee nor Wright addresses the problem of having to provide separate storage off the gym floor to store a court standard. Neither Lee nor Wright is concerned with the problem of carrying the court standard from its stored location to the gym floor. Given that Lee nor Wright are addressing or are even concerned with storage, and carrying the standard to and from storage, and the loss of gym playing time for set up and removal of equipment; it is not probable that they would be led to modify their design to result in sufficient internal capacity to slidably house the contained tube wholly below the floor. This modification would be unpurposeful.

Regarding claim 3 the Examiner states that it would be obvious to provide a plurality of telescoping tubes since it has generally been recognized that the addition of multiple parts for multiple effect involves only routine skill in the art. Given Wright and Lee it appears that the use of use of an above ground tube within an embedded base might be obvious. The net holding tube could be removed from the base when the net was not in use. But neither

Wright nor Lee used multiple tubes to effect storage so that the contained tube could be wholly stored beneath the ground and would not have to be transported from, and have storage provided adjacent to the playing area. It is not obvious to use multiple tubes to effect storage. Claim 3 and 13 have been similarly amended, "A court standard as in claim 1 wherein the contained tube comprises a plurality of contained tubes, each contained tube closely and slidably positioned within a tube therearound, said plurality of tubes facilitating erection because initially one's finger need only lift the weight of a smallest contained tube from beneath the gymnasium floor. When initially lifting the court stand which is positioned wholly beneath the ground it is first necessary to grasp the inner most tube with the ends of one's fingers and pull it up. Initially, all one is lifting is the inner most tube. After the inner most tube is lifted, it is then possible for one to wrap both hands around the innermost tube to lift the succeeding larger tubes. It is necessary that the inner most tube, like all the other tubes initially be fully under the ground, so that when the gymnasium is used for other activities, such as basketball so that players are presented with a flat surface devoid of any tripping hazards. And because the tube is fully beneath the playing surface it is initially necessary to lift it only with one's fingers. It is only obvious to use multiple (3+) tubes to facilitate underground storage. It may be obvious to use 4 tubes, given knowledge of using three tubes for underground storage of the court standard, but underground storage is not obvious. Underground storage is a huge advantage which no one thought of since time the of Lee, some 100+ years ago. it is further noted that the inventors have found that there invention to be well received by educators, and that commercial success, appears certain.

It is further noted that claims 3 and 13 respectively depend from amended claims 1 and 11. It is respectfully suggested that claims 1 and 11, as amended should be allowable. And accordingly, claims 3 and 13, along with all other dependent claims should be allowable.

As this response is timely submitted no late fee is enclosed.

A handwritten signature in cursive script that reads "G. F. Gallinger". The signature is fluid and elegant, with the first letters of each word being capitalized and prominent.

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MARKED UP DRWG

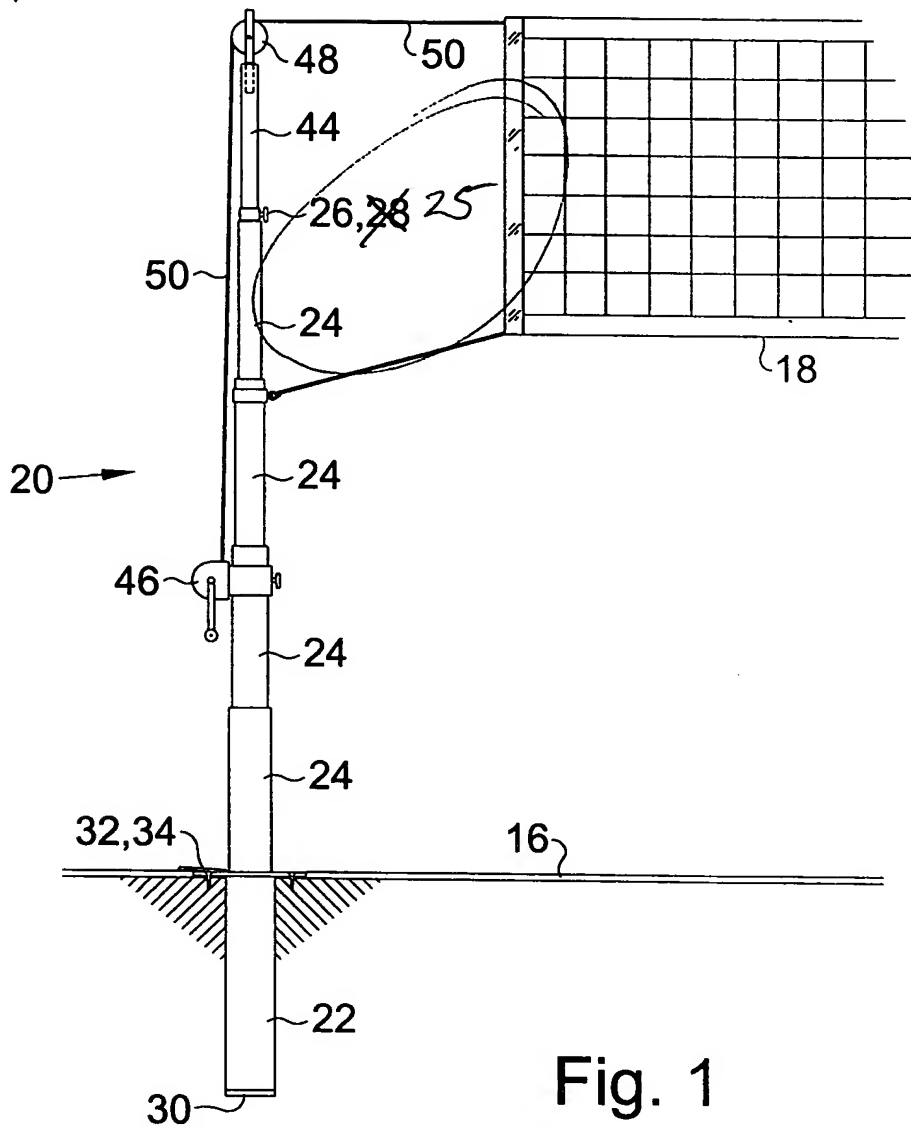


Fig. 1

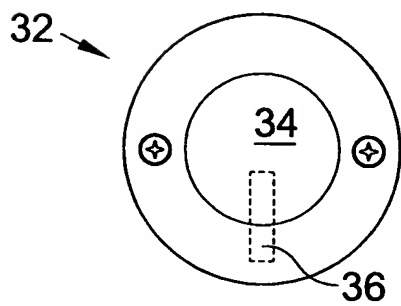


Fig. 2

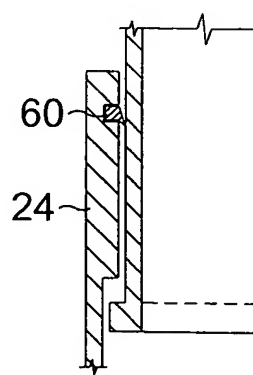


Fig. 5



MARKED UP DRAW

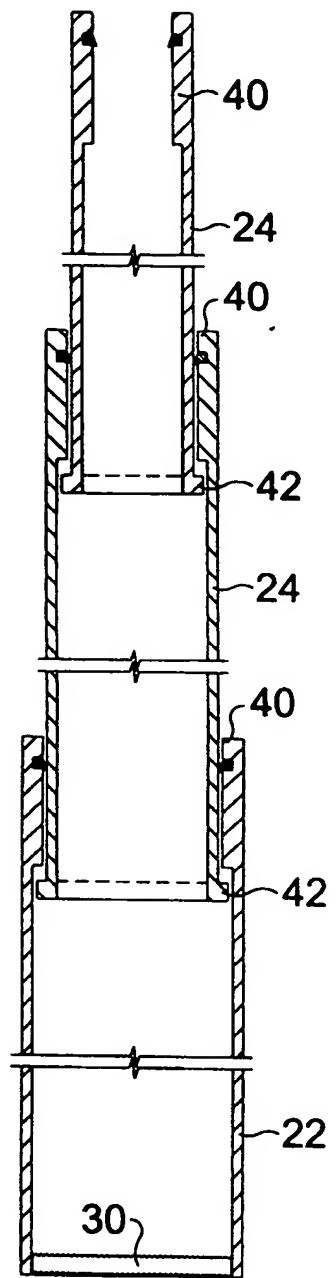


Fig. 3

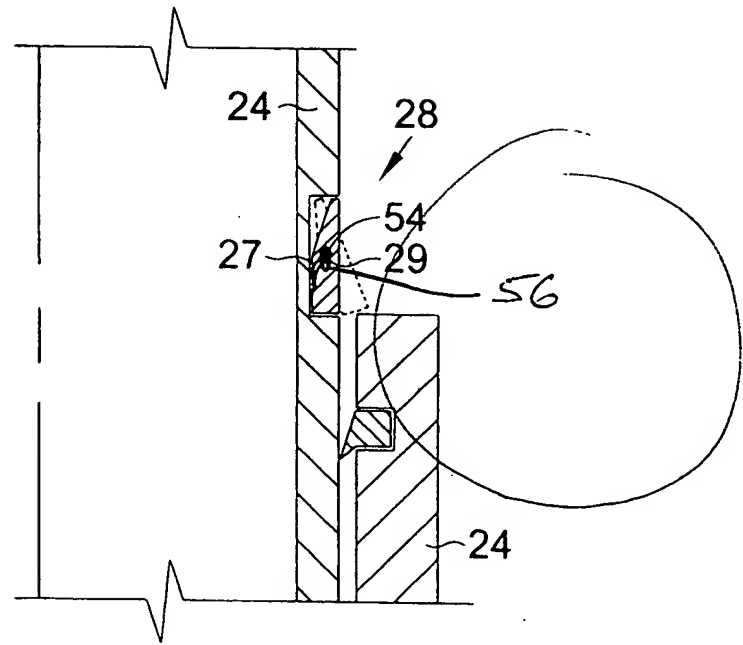


Fig. 4